

MINNESOTA ENVIRONMENTAL QUALITY BOARD



NOTICE OF PUBLIC HEARING

April 12, 2004

City Hall

208 1<sup>st</sup> Ave.

Faribault, Minnesota

Site Permit Application

by Faribault Energy Park, LLC

for a 250 Megawatt

Large Electric Power Generating Plant

In Faribault, Minnesota

**PLEASE TAKE NOTICE** that the Minnesota Environmental Quality Board (EQB) will hold a Public Hearing on **Monday, April 12, 2004**, at the Faribault City Hall, 208 1<sup>st</sup> Ave., Faribault, Minnesota, on an application by Faribault Energy Park, LLC, for a Site Permit for a 250 megawatt large electric power generating plant to be located in Faribault, Minnesota. The hearing will convene at 2:00 p.m. and an evening session will be held commencing at 7:00 p.m.

**Administrative Law Judge Beverly Jones Heydinger** will preside at the hearing. Judge Heydinger's address is Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, phone (612) 341-7606.

**Project Description** Faribault Energy Park has proposed to construct a 250 megawatt power plant fueled by natural gas and fuel oil. The proposed location for the facility is a site north of downtown Faribault, approximately 2.5 miles, on the west side of Highway 76 and south of 170<sup>th</sup> Street West. The project will require about 37 acres. A possible alternative site is adjacent to the proposed site.

**Environmental Impact Statement** The EQB has prepared an EIS on the proposed project. The EIS addresses the potential impacts of the proposed project at either of the two sites evaluated. Copies of the EIS, the permit application, and other material are available for public review at the Faribault City Hall. The EIS and the permit application can be found on the EQB webpage at

<http://www.eqb.state.mn.us/EnergyFacilities/powerplants.html>

**Questions and Additional Information** Questions about this project or requests for documents can be directed to the EQB staff. Bill Storm (651-296-9535) is the project manager and Larry Hartman (651-296-5089) is the public advisor. The public advisor is available to answer questions about the permitting procedures and how to effectively participate in the process, but he does not provide legal advice. The address for the EQB is Room 300, 658 Cedar Street, St. Paul, Minn. 55155.

**Statutory Authority** A Site Permit for a large electric power generating plant is required from the EQB under the Power Plant Siting Act. Minn. Stat. §§ 116C.51 – 116C.69. A public hearing is required under Minn. Stat. § 116C.57, subd. 2d. The EQB has adopted rules for the administration of Site Permits for new power plants. Minn. Rules chapter 4400. The statutes and rules may be found using the Internet at [www.revisor.leg.state.mn.us/stats/](http://www.revisor.leg.state.mn.us/stats/) and at [www.revisor.leg.state.mn.us/arule/](http://www.revisor.leg.state.mn.us/arule/).

**Purpose of Hearing** The purpose of the public hearing is to compile the record for the EQB Board to consider in making a final decision on the permit request. The ALJ will write a report and make a recommendation to the EQB on which site to authorize and on any appropriate permit conditions. The EQB will make a final decision on the permit at a subsequent Board meeting.

**Conduct of Hearing** The EQB staff will be present at the hearing and make a brief presentation about the project and introduce into the record a number of documents relating to the project, including the application, the EIS, and certain procedural documents. Representatives of the applicant (Faribault Energy Park) will be present to offer evidence and to answer questions. Members of the public will have an opportunity to ask questions of EQB staff and Faribault representatives, to make statements, and to offer written comments and material into the record at both the afternoon and evening sessions. Members of the public are not required to file any papers in advance of the hearing in order to participate. Members of the public may be represented by legal counsel but such representation is not required.

**OAH Rules** The Office of Administrative Hearings has adopted rules that apply to EQB public hearings like this one. Minn. Rules chapter 1405. The applicable statutes and rules can be found on the webpages of the Office of Administrative Hearings [www.oah.state.mn.us](http://www.oah.state.mn.us)

The rules and statutes are also available on the Revisor's webpage shown above. Rules and statutes may also be purchased at the State Bookstore, 660 Olive St., St. Paul, Minn. 55155, phone (651) 297-3000.

**Prefiled Testimony** Faribault Energy Park, LLC will prepare its direct testimony in support of the project in a written question and answer format. This testimony will be filed with the Administrative Law Judge by no later than March 29, 2004, and will be available for review at the City Hall and at the EQB.

**Continuation of Hearing** The Administrative Law Judge may elect to recess the hearing and set additional days for hearing if necessary.

**Intervention** Any person may seek to intervene as a full party to this proceeding. If a person desires to intervene, the person must file a document called a Petition for Intervention with the ALJ by April 2, 2004. (Minnesota Rules Part 1405.0900). Intervention ensures that the person will have all the rights of a party, including the right to make motions, to attend any prehearing conferences, to be served with documents, and to present witnesses, and also the obligations of a party such as responding to discovery requests and serving other parties.

**Identified Parties** The only party to this proceeding identified on the date of this notice is the applicant. The contact person for the applicant is Jim Larson, President, Faribault Energy Park, LLC, 200 South 6<sup>th</sup> Street, Suite 200, Minneapolis, Minnesota 55402, phone (612) 349-6868.

**Prehearing Conference** There will be a prehearing conference by telephone on April 6, 2004, at 3:00 p.m. The prehearing conference call will include representatives of EQB, the applicant, and any parties who have intervened as of that date.